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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000807

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SUBJECT: BY-ELECTIONS IN THREE ARMENIAN CONSTITUENCIES

Classified By: AMB Marie L. Yovanovitch, reasons 1.4 (b,d).

SUMMARY

¶1. (SBU) In three upcoming by-elections for the National Assembly, none will have genuine electoral competition. Authorities have barred oppositionist Nikol Pashinian from running in the upcoming race in Yerevan's Kentron district on a technicality. In the other two districts, pro-governmental candidates have no rivals, the other candidates having withdrawn. END SUMMARY.

ONE-MAN SHOW IN DISTRICTS 8 AND 25

¶2. (C) On December 6, parliamentary by-elections will take place in two constituencies of Armenia Yerevan's Malatya-Sebastya district (TEC 8) and a district in Kotayk Marz (TEC 25). In both cases, a single candidate is running uncontested, others having dropped out. Announcing one's candidacy for office and subsequently withdrawing is common in Armenia - a way to get publicity, present oneself as a political player, and ultimately bargain for some payoff (political or monetary) in exchange for pulling out of the race. Initially in TEC 8 three candidates announced their bids: a former MP from that constituency, Hakob "Lady" Hakobian (a former women's clothing merchant who was charged and convicted for organizing mass disorders on March 1-2 2008, then amnestied, but deprived of his mandate as a result of the conviction); Davit Hakobian, Chairperson of the Armenian Marxist Party; and Koryun Nahapetian, the inlaw of oligarch Samvel Alexanian ("Lfik Sarno"). With the two Hakobians' withdrawals, Nahapetian is now the sole candidate.

¶3. (C) Sources tell us Hakob Hakobian decided to run in the election hoping for forgiveness and support from the Ruling Party. Deputy Speaker of Parliament Samvel Nikoyan confided to Pol FSN that Hakobian came to him asking for Republican Party blessing, tried to explain and justify his 2008 anti-governmental actions and statements, and promised to remain loyal in the future. Finding no support, he realized he remains in disfavor, won't win without governmental backing, and withdrew to avoid embarrassing defeat.

¶4. (C) Davit Hakobian, an eccentric political figure constantly switching from one irrelevant opposition party to the next, is rumored to have been paid by Nahapetian's in-law "Lfik Samo" to drop out of this race in order to shift his candidacy to the Kentron district and its January 10 by-election instead. Davit Hakobian is known for making money through election campaigns, with a specialization in threatening "black PR" and rumor mongering if he is not paid off to withdraw.

¶5. (C) A similar situation occurred in TEC 25 of Kotayk Marz, where three initially nominated candidates dropped out, leaving the leading candidate from the Prosperous Armenia

party to claim the seat. All three dropouts are known for taking payoffs to withdraw from races. Thus, authorities have apparently decided to "give" TEC 8 to pro-Republican oligarch Lfik Samo's man, and TEC 25 to Gagik Tsarukian's Prosperous Armenia candidate.

ELECTORAL DISTRICT 10

¶6. (SBU) By comparison, district 10 is contested and as yet is without any obvious pro-governmental candidate in the lead. Seven individuals initially expressed their intention to contest the election: Nikol Pashinian, a jailed opposition activist and chief editor of Haykakan Zhamanak daily; Hmayak Hovhannisian, the Head of Union of Political Scientists; former Transport Minister Eduard Madatian; actor Vladimir Kostanian; Ara Simonian from the National Unity party; Rafael Ayvazian from ARF Dashnaktutyun; and new Kentron contestant, Marxist Davit Hakobian.

¶7. (SBU) Pashinian announced his decision to contest the vote in late October, less than two weeks after going on trial on charges of organizing the March 1, 2008 "mass disturbances." The oppositional Armenian National Congress (ANC) declared support for Pashinian, making this election the only of the scheduled three to be potentially challenged by the "legitimate" opposition.

¶8. (C) However, authorities have found a way to ban Pashinian from entering the campaign by blocking his registration. On November 6, the Police Department of Passports and Visas (OVIR) refused to provide a document to Pashinian certifying that he permanently resided in the country the past five

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years as required by the election code for candidate registration, stating that he was wanted and absent from the country from February 26, 2008 to July 7, 2009. The explanation was at odds with the widely-known fact that Pashinian was one of the main speakers at daily opposition rallies March 1-2, 2008, and is in fact on trial now for his activities in the center of Yerevan on those days. The OVIR chief, Norayr Muradkhanian, acknowledged to reporters factual errors, saying that the statement issued by his subordinates was based on "incomplete information."

¶9. (C) OVIR's refusal to issue the document is controversial, since "permanent residency" required by the Election Code is not clearly defined in Armenian legislation, creating room for interpretation and selective application. In addition, Pashinian's passport contains no stamp certifying that he left the country during the period in question. Pashinian has appealed the refusal to the Administrative Court.

¶10. (C) Former Transport Minister Eduard Madatian, an oligarch that fled Armenia in late 2004 to avoid prosecution for allegedly masterminding what the authorities said was a failed attempt to kill then President Robert Kocharian and other top officials, returned to Armenia in August last year after the criminal case was dropped for unknown reasons. Reportedly, some influential oligarchs negotiated forgiveness for him with Serzh Sargsian, but apparently not enough for a parliamentary mandate. OVIR also refused to issue the document certifying Madatian's 5-year permanent residence in Armenia. Madatian did not appeal the refusal.

¶11. (C) The other candidates are insignificant players on the political scene. Some are representatives of the "false opposition," such as the National Unity and Marxist Parties. The representative of ARF Dashnaktutyun dropped out, reportedly after learning he would receive no support from the authorities. It is still unclear which candidate will be endorsed by the ruling party in this constituency -- a determination which will likely determine the outcome, contacts say. The actor, Vladimir Kostanian, reportedly enjoys the support of Speaker of Parliament Abrahamian, but

not the Ruling Party itself. Marxist Davit Hakobian has a chance to win if "Lfik Samo" keeps backing him and if no other influential force steps into the fray.

COMMENT

¶112. (C) The three mandates are of course insignificant in terms of the distribution of parliamentary seats. Still, the authorities were notably unwilling to allow competition, or to use these minor elections as a cost-free way to demonstrate a renewed commitment to transparency and democratic reform. Meanwhile, the weak opposition did not risk entering the races, thus clearing the way for the agenda of the authorities.

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